



# ఆంధ్రప్రదేశ్ రాజపత్రము

## THE ANDHRA PRADESH GAZETTE PUBLISHED BY AUTHORITY

W.No.11

AMARAVATI, FRIDAY, MARCH 17, 2023

G.2818

### PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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### NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

#### CHIEF EXECUTIVE OFFICER, A.P. STATE WAQF BOARD

4<sup>th</sup> FLOOR, IMDADGHAR, Opp: KALESWARAO MARKET, VIJAYAWADA.

F.No.02 / M / NLR / 2017 / Z-IV / Supply.

Date: 17-03-2023.

SPSR NELLORE DISTRICT - A.S.PETA (V & M) MANDAL - DARGAH OF SYED SHAH HAJI KHALWAJA RAHMATULLAH SAHEB (NAYAB-E-RASOOL), MASJID AND ITS ATTACHED PROPERTIES - EXTENSION OF SUSPENSION PERIOD OF Sri S.G.N HAFEEZ PASHA, SAJJADANASHEEN CUM MUTAWALLI (UNDER SUSPENSION) BEYOND (10) DAYS AND APPOINTMENT OF REGULAR ENQUIRY OFFICER.

- Read :
1. This Office Board's proceedings of even No., dated:17-02-2023.
  2. This Office Notice of even No. dated: 20-02-2023 to Sri S.G.N Hafiz Pasha, suspended Mutawalli.
  3. Explanation of the suspended Mutawalli, dated: 22-02-2023 submitted before the Enquiry Officer on 23-02-2023 through his counsel.
  4. Board Resolution No.705 of 2023, dated: 28-02-2023
  5. This office proceedings of even No., dated:28-02-2023.
  6. Orders dated:06-03-2023 of Hon'ble High Court of AP in WP No.5273 of 2023.
  7. This office Notice of even No., dated:09-03-2023.
  8. Explanation of the suspended Mutawalli, dated:13-03-2023 submitted before the Enquiry Officer on 14-03-2023 through his counsel.
  9. Orders of Competent Authority/Special Officer, APSWB, dated: 16-03-2023.

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**ORDER:**

The Waqf institution namely Dargah of Syed Shah Haji Khwaja Rahmatullah Saheb Peer (Nayab -e- Rasool), Sunni Mosque and its attached landed properties Ac. 26.24 cents situated at A.S. Peta Village and Mandal of SPSR Nellore District, is a notified Waqf property and got published in A.P.Gazette No.18-A, Part II, dated: 02-05-1963 at Serial No.09.

On receipt of several complaints against Sri S.G.N Hafeez Pasha, Mutawalli of Dargah Hzt Syed Shah Haji Khwaja Rahmatullah Saheb (Nayab -E-Rasool), Masjid and its attached properties at A.S.Peta (V&M), SPSR Nellore District levelling allegations of Moral turpitude, mismanagement, misappropriation, lack of transparency, etc., the Board in its meeting held on 16-02-2023 has resolved to suspend the incumbent Mutawalli for a period of (10) days U/sec. 64(5) of Waqf Act, 1995 vide resolution No.704/2023, dated:16-02-2023 and issued orders vide reference 1<sup>st</sup> cited above. Subsequently, the subject institution was taken under the direct management by the AP State Waqf Board, Vijayawada and Sri.Shaik Mohammed Hussain, Supdt., APSWB was appointed as an Executive Officer to manage the day-to-day affairs of the subject institution. As per the decision of the Board the undersigned Chief Executive Officer, A.P. State Waqf Board, Vijayawada was appointed as an enquiry officer to conduct enquiry on the above-mentioned allegations and irregularities.

In pursuance of the proviso under sub-section (5) of Section 64 of the Waqf Act, 1995, a notice vide ref. 2<sup>nd</sup> cited above, dated: 20-02-2023 was issued so as to provide him an opportunity of hearing and to enable him to submit his explanations and to appear before the under signed on 23-02-2023 at 2:30 PM in the O/o. AP State Waqf Board, 4<sup>th</sup> Floor, Imdadgheer Complex, Vijayawada, to submit his explanation with Supportive documentary evidence if any. As such Sri Somaraju, Advocate filed vakalat on behalf of the suspended Mutawalli and submitted his explanation, vide ref.3<sup>rd</sup> read above, dated: 23-02-2023. He has also prayed to grant him sufficient time so as to enable him to submit a detailed reply

On perusal and examining the contents of the reply and also after giving him an opportunity of personal hearing of the Counsel representing the suspended Mutawalli, it is found that the explanation submitted by him is not satisfactory and not convincing and found necessary to extend the suspension period beyond (10) days since the matter requires a detailed enquiry through an Enquiry Officer on the allegations, irregularities and complaints which are of serious nature as his continuance in the office of Mutawalli will hamper the enquiry proceedings which require verification of all records, documents, accounts etc., in respect of the subject institutions.

Consequently, the matter was placed before the Board in its meeting held on 28-02-2023. The Board after discussing the matter in detail and in consequent to the findings of the Enquiry officer and as per the material available on record vide resolution No.705/2023, dated:28-02-2023 has resolved to extend the suspension period Sri S.G.N Hafeez Pasha, as Mutawalli of Dargah of Syed Shah Haji Khwaja Rahmatullah Saheb (Nayab -E-Rasool) (Rh), Masjid and its attached properties situated at A.S.Peta (V&M), SPSR Nellore District and the same is hereby extended beyond ten (10) days under sub-section (5) of Sec 64 of Waqf Act,1995 considering the prima facia of moral turpitude, mismanagement, lack of transparency in affairs, etc and in the interest of the subject Waqf institution and appointed Sri A.K.Nazeer Saheb, (Retd.,) Addl. Director Sericulture / E.O Enquiry Officer to conduct detailed enquiry U/s.71 of Waqf Act,1995 duly following the Rules.24 of A.P. Waqf Rules, 2000 on the complaints of moral turpitude, mismanagement, lack of transparency in affairs, etc., accordingly proceedings were issued vide ref.5<sup>th</sup> read above.

Aggrieved by the orders of Waqf Board, the suspended Mutawalli of Sri S.G.N. Hafeez Pasha has preferred a Writ petition vide WP No.5273 of 2023 praying for to declare the resolution NO.705/2023, dated:28-02-2023 of the AP State Waqf Board and consequential proceedings No.02/M/NLR/2017/Z-IV/Supply dated:28-02-2023 of the Chief executive Officer as illegal and also challenged the Gazette Notification No.G.2735, dated:01-03-2023. The matter was listed before the Hon'ble High Court on 06-03-2023 and the Hon'ble High Court was pleased to direct AP State Waqf Board to pass fresh order after affording him a reasonable opportunity of hearing.

Pursuant to the directions of the Hon'ble High Court vide its orders dated: 06-03-2023 a notice has been issued vide ref.7<sup>th</sup> read above giving him a reasonable opportunity to substantiate his case along with documentary evidences and to appear either in person / through your advocate before the under signed chief executive Officer on 14-03-2023 at 3:00 PM at O/o. AP State Waqf Board, 4<sup>th</sup> Floor, Imdadhghar Complex, Vijayawada.

In the ref.8<sup>th</sup> read cited above, Sri S.G.N. Hafeez Pasha has submitted his explanation through his counsel on 14-03-2023. Considering the available record and contents of the replies / explanations submitted by the Mutawalli under suspension, the enquiry Officer has submitted his findings / report before the Board / Competent Authority.

The Competent Authority/ Special Officer, APSWB after going through the explanation of the suspended Mutawalli found it appropriate and necessary to continue the suspension period of the Mutawalli Sri S.G.N Hafeez Pasha as his continuation in office will definitely affect the enquiry which is a must to arrive at the true facts of the complaints and allegations of serious nature vide reference 9<sup>th</sup> read above.

Accordingly the suspension period of Sri S.G.N Hafeez Pasha, as Mutawalli of Dargah of Syed Shah Haji Khwaja Rahmatullah Saheb (Nayab -E-Rasool), Masjid and its attached properties situated at A.S.Peta (V & M), SPSR Nellore District is hereby extended beyond ten (10) days under sub-section (5) of Sec.64 of Waqf Act, 1995 considering the prima facia of moral turpitude, mismanagement, lack of transparency in affairs, etc., and in the interest of the subject Waqf institution.

Sri.A.K.Nazeer Saheb, Retd. Addl. Director Sericulture / E.O is hereby appointed as regular Enquiry Officer to conduct detailed enquiry U/s.71 of Waqf Act,1995 duly following the Rules.24 of A.P. Waqf Rules, 2000 on the complaints / allegations received.

Shaik Mohammed Hussain, Supdt., APSWB, Vijayawada appointed as Executive Officer to Dargah of Syed Shah Haji Khwaja Rahmatullah Saheb (Nayab - e -Rasool), Mosque and its attached properties at A.S.Peta (V&M), SPSR Nellore District under direct management on behalf of Waqf Board to manage the day to day affairs of the subject institutions till further orders U/s 38 of Waqf Act 1995.

**L. ABDUL KHADIR,**  
*Chief Executive Officer (FAC),*  
*A.P. State Waqf Board, Vijayawada.*

To

Sri S.G.N Hafeez Pasha,  
Mutawalli (Under Suspension)  
Dargah of Syed Shah Haji Khwaja Rahmatullah Saheb Peer  
@ Nayab -E- Rasool and Masjid, A.S.Peta (V&M), SPSR Nellore District.  
(through the E.O. of the subject Dargah).

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